

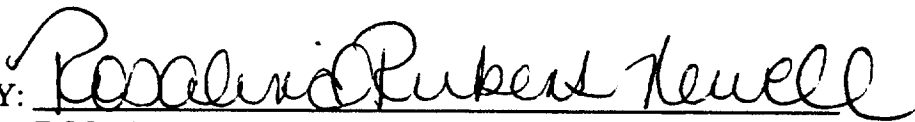
Entered - 07/19/00 - sb
CL00L0446 - DIANNE C. MITCHELL

01-*R*-1031

CLAIM OF: **TIMOTHY HUNNICUTT,**
through his attorney,
David M. Toolan
400 Perimeter Center Terrace
Suite 70, North Terraces
Atlanta, Georgia 30346

For damages alleged to have been sustained as a result of violation of
civil rights on January 9, 2000 at Camilla Street and Ashby Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0446

Date: June 28, 2001

Claimant /Victim TIMOTHY HUNNICUTT
BY: (Atty.) David M. Toolan
Address: 400 Perimeter Center Terrace, Suite 70, North Terraces, Atlanta, Georgia 30346
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 07/10/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/09/00 Place: Camilla Street and Ashy Street
Department Police Division:
Employee involved Officer P. Brown Disciplinary Action: Oral Admonishment

NATURE OF CLAIM: The claimant, employed as an investigator in the Police Department, alleges that his civil rights were violated when he was stopped by Officer Brown and cited for a traffic violation. An investigation by the Office of Professional Standards found that both the claimant and Officer Brown had violated departmental work rule 1.01, Appropriate Action Required.

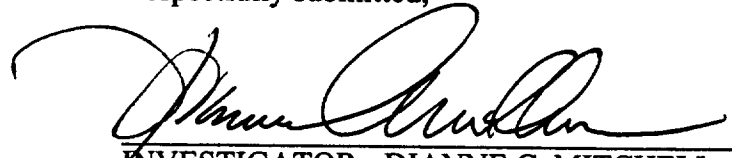
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

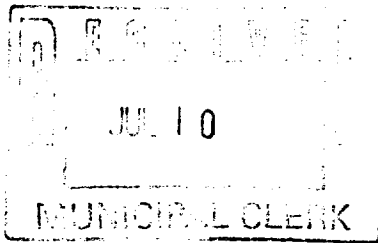
RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 06-28-01
Committee Action: Council Action

DAVID M. TOOLAN
ATTORNEY AT LAW
400 PERIMETER CENTER TERRACE
SUITE 70, NORTH TERRACES
ATLANTA, GEORGIA 30346

FAX 770/351-0790
770/351-0670

ENTERED - 7-19-00 - SB
00L0446 - DIANNE MITCHELL



5:05pm *PR*

March
07/18/00
[Signature]

July 7, 2000

Robert L. Pitts
President, Atlanta City Council
Atlanta City Hall
55 Trinity Avenue SW
Atlanta GA 30335

Re: Claimant: Timothy Hunnicutt
Date of Incident: 01/09/2000
Place of Injury: Camilla Street, Atlanta GA

Dear Mr. Pitts:

Pursuant to OCGA § 36-33-5, please be advised that Timothy Hunnicutt will bring a civil rights and malicious prosecution claim against the City of Atlanta, Georgia for the damages he sustained when he was detained by the City of Atlanta Police on January 9, 2000. (See attached Incident Report.) As a result of the traffic stop, which occurred on Camilla Street, Officer Hunnicutt sustained injuries in excess of \$5,000.00 to his person. These injuries include mental suffering and damage to reputation.

Officer Hunnicutt, who is a City of Atlanta police officer, was stopped by Officer P. R. Brown and subjected to verbal abuse in front of his two children. Officer Brown had no probable cause to initiate the traffic stop and pointed his gun at Officer Hunnicutt without cause. It is evident that Officer Hunnicutt's race served as the basis for the traffic stop and that policies within the City of Atlanta police department promote such actions.

Sargent Padgett, who was the supervising officer called to the scene to investigate the matter, told Officer Brown to issue Officer Hunnicutt four citations and refused to listen to Officer Hunnicutt's version of the incident. Moreover, there is evidence that Sargent Padgett interfered with the internal affairs investigation of the incident.

Please call me if you have any questions or need any additional information.

Very truly yours,

[Signature]
David M. Toolan

cc: Rhonda Dauphin Johnson, Municipal Clerk
Timothy Hunnicutt

01-R-1031